

GENERAL ORDERS, }
No. 151. }

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE,

Washington, May 26, 1863.

I.. Before a Military Commission which convened at Springfield, Missouri, November 18, 1862, pursuant to Special Orders, No. 599, dated Headquarters, Southwestern Division, Springfield, Missouri, August 28, 1862, and of which Major WILLIAM JACKSON, 3d Cavalry, Missouri State Militia, is President, was arraigned and tried—

Private *William T. Cox*, Company I, 8th Missouri Cavalry:

CHARGE—"Violation of the laws of war."

Specification 1st—"In this; that the said *William T. Cox*, being a private soldier in Company I, of the Eighth Cavalry Regiment Missouri Volunteers, did leave the encampment of said regiment, and in the night time, in company with divers persons whose names are unknown, did wilfully, feloniously, and with force and arms, enter and rob the dwelling-house of one Richard Rose, and did take from said dwelling-house one side-saddle, one riding bridle, and other articles of value, a family then and there residing in said dwelling house. This in Green county, in the State of Missouri, on the night of the 18th day of October, 1862."

Specification 2d—"In this; that the said *William T. Cox*, being a soldier in Company I, of the Eighth Cavalry Regiment Missouri Volunteers did, in company with other persons whose names are unknown, without the orders or consent of his commanding officers, feloniously steal, take, and carry away one horse, the property of Richard Rose. This in Green county, in the State of Missouri, on the 18th day of October, 1862."

Specification 3d—"In this; that the said *William T. Cox*, being a private soldier in Company I, of the Eighth Cavalry Regiment of Missouri Volunteers, wilfully, feloniously, premeditately, and with force and violence, did enter the dwelling-house of one Richard

Rose, in the night time, and then and there did forcibly and with violence and threats commit a rape upon one Nancy Rose, the wife of the said Richard Rose, without the consent of the said Nancy Rose, and contrary to her will. This in Green county, in the State of Missouri, on the 18th day of October, 1862."

Specification 4th—“In this; that the said *William T. Cox*, being a private soldier of Company I, in the Eighth Cavalry Regiment Missouri Volunteers, did leave his Company and engage with divers marauders, whose names are unknown, in robbing and plundering the houses of divers peaceful citizens, in the night time, and, in company with a band of marauders, did plunder the house of William Rose, and did take from the premises of the said William Rose one side saddle, one bridle, and one horse, and also various articles of value, and did curse and otherwise maltreat and abuse the inmates of said house, said Cox and band being armed, and by threats of violence did overawe and terrify said inmates, and by such threats compelled the said inmates of the said house to submit to the pilage and plunder of the same. This in Green county, in the State of Missouri, on the 18th day of October, 1862.”

To which charge and specifications the accused, Private *William T. Cox*, Company I, 8th Missouri Cavalry, pleaded “Not Guilty.”

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, Private *William T. Cox*, Company I, 8th Missouri Cavalry, as follows:

Of the 1st *Specification*, “Guilty.”

Of the 2d *Specification*, “Guilty.”

Of the 3d *Specification*, “Guilty.”

Of the 4th *Specification*, “Guilty.”

Of the **CHARGE**, “Guilty.”

SENTENCE.

And the Commission does therefore sentence him, Private *William T. Cox*, Company I, 8th Missouri Cavalry, "To be shot to death with musketry at such time and place as the officer commanding the Department may direct; two-thirds of the members thereof concurring."

II.—Before a Military Commission which convened at Springfield, Missouri, September 25, 1862, pursuant to Special Orders, No. 599, dated Headquarters, Southwestern Division, Springfield, Missouri, August 28, 1862, and of which Major *WILLIAM JACKSON*, 3d Cavalry, Missouri State Militia, is President, was arraigned and tried—

Smith Crim, a citizen of Barry county, State of Missouri:

CHARGE I.—"Violating the laws of war."

Specification—"In this; that the said *Smith Crim*, being a citizen of the United States and owing allegiance thereto, and not belonging to any lawfully organized or authorized force at war with the United States, did consort with, and did aid and abet the rebel enemies of the United States in acts of hostility against the peaceable and loyal citizens thereof, and especially did aid and assist one *Hugh McBride*, a guerilla and rebel enemy, to kill one *Lieutenant Miller*, a soldier under the government and in the employment of the United States. This in Barry county, in the State of Missouri, on the 28th day of April, A. D. 1862."

CHARGE II.—"Murder."

Specification 1st—"In this; that the said *Smith Crim*, being a citizen of the United States, and owing allegiance thereto, and not belonging to any lawfully authorized or organized force at war with the United States, did adhere to, and consort with, the rebel enemies thereof; and in company with one *Hugh McBride*, a guerilla and rebel enemy of the United States, did, wilfully, premeditately, and of malice aforethought, shoot at and kill one *Lieutenant Miller*, a soldier under the government and in the employ of

the United States, contrary to the laws and customs of war. This in Barry county, in the State of Missouri, on the 28th day of April, A. D. 1862. '

Specification 2d—“In this; that the said *Smith Crim*, being a citizen of the United States, and owing allegiance thereto, and not belonging to any lawfully authorized or organized force at war therewith, did consort with the rebel enemies of the United States, and did aid and assist one certain guerilla and rebel enemy of the United States, known by the name of Hugh McBride, to capture and kill one Lieutenant Miller, a soldier in the service of the government of the United States, this being done wilfully, maliciously, premeditately, and of malice aforethought, by the said Hugh McBride and the said *Smith Crim*, in the county of Barry, in the State of Missouri, on the 28th day of April, A. D. 1862, against the peace and dignity of the United States, and contrary to the laws and customs of war.”

To which charges and specifications the accused, *Smith Crim*, a citizen of Barry county, State of Missouri, pleaded “Not Guilty.”

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, *Smith Crim*, a citizen of Barry county, State of Missouri, as follows :

CHARGE I.

Of the *Specification*, “Guilty.”

Of the **CHARGE**, “Guilty.”

CHARGE II.

Of the 1st *Specification*, “Guilty.”

Of the 2d *Specification*, “Guilty.”

Of the **CHARGE**, “Guilty.”

SENTENCE.

And the Commission does therefore sentence him, *Smith Crim*, a citi-

zen of Barry county, State of Missouri, "To be shot to death by musketry at such time and place as the Commanding Officer of the district shall designate; two thirds of the members thereof concurring therein."

III.—Before a Military Commission which convened in the city of St. Louis, Missouri, June 6, 1862, pursuant to Special Orders No. 117, dated Headquarters St. Louis District, St. Louis, Missouri, May 2, 1862, and Special Orders No. 2, dated Headquarters District of Missouri, St. Louis, June 4, 1862, and of which Lieutenant Colonel J. F. TYLER, 1st Missouri State Militia, is President, was arraigned and tried—

William J. Livingston.

CHARGE—“Violation of the Laws of War.”

Specification 1st—“That the said *William J. Livingston*, with certain persons unknown, did so obstruct and destroy the track of the Hannibal and St. Joseph Railroad as to throw a train of cars on said road from the track. This within the lines of the United States forces, near Palmyra, in Marion county, State of Missouri, on or about the first day of September, A. D. 1861.”

Specification 2d—“That the said *William J. Livingston*, with certain persons unknown, did fire at and into a train of cars on the Hannibal and St. Joseph Railroad, with intent to kill and murder the persons on said train. This near Palmyra, in Marion county, State of Missouri, on or about the first day of September, A. D. 1861.”

Specification 3d—“For this; that the said *William J. Livingston*, with certain persons unknown, and within the lines of the United States forces, did kill and murder one Josiah Wheat, a citizen of the State of Missouri. This in Marion county, State of Missouri, on or about the 15th day of August, A. D. 1861.”

Specification 4th—“For this; that the said *William J. Livingston*, with certain persons unknown, for a long space of time was engaged in plundering and robbing citizens of the State of Missouri, and committing depredations upon public and private property.

This at Marion and adjoining counties, State of Missouri, from the 1st of July, A. D. 1861, to the 1st of March, A. D. 1862."

To which charge and specifications the accused, *William J. Livingston*, pleaded "Not Guilty."

FINDING.

The Commission having maturely considered the evidence adduced, finds the accused, *William J. Livingston*, as follows:

- Of the 1st *Specification*, "Guilty."
- Of the 2d *Specification*, "Guilty."
- Of the 3d *Specification*, "Not Guilty."
- Of the 4th *Specification*, "Not Guilty."
- Of the **CHARGE**, "Guilty."

SENTENCE.

And the Commission, does therefore sentence him, *William J. Livingston*, "To be shot to death at such time and place as the General Commanding may direct."

IV.—In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the foregoing cases have been forwarded for the action of the President of the United States, who approves the sentences in the cases of Private William T. Cox, Company "I," 8th Missouri Volunteers, and Smith Crim, a citizen of Barry county, State of Missouri, and directs that they be executed under the direction of the General Commanding the Department of Missouri. In the case of William J. Livingston, the sentence is disapproved by the President on account of certain irregularities in the proceedings of the Commission.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,

Assistant Adjutant General.